

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL NOTE

SB 507 – HB 558

April 2, 2019

SUMMARY OF BILL: Requires the state to reimburse local governmental entities if the federal reimbursement of moneys is not sufficient to cover moneys spent complying with federal immigration laws, including costs associated with memorandum of agreements (MOA), the detention of a person based on an immigration detainer, and litigation against the local government entity related to such compliance.

Requires the Attorney General and Reporter (AG) to annually report by June 30 of each year the total amount of money spent by the state and all local governmental entities to comply with federal immigration laws from the previous year to the General Assembly and publish the report on its website.

ESTIMATED FISCAL IMPACT:

Other Fiscal Impact – Due to multiple unknown factors, any fiscal impact to state or local government cannot be quantified with reasonable certainty. However, to the extent there are increases in state expenditures, there will be equal corresponding increases in local government revenue.

Assumptions:

- U.S. Immigration and Customs Enforcement (ICE) is responsible for enforcing federal immigration laws as part of its homeland security mission.
- Chapter 973 of the Public Acts of 2018 prohibits a state or governmental entity or official from adopting any directive, order, ordinance, resolution, practice, or policy, whether formally enacted, informally adopted, or otherwise effectuated, that restricts in any way, or imposes any conditions on, a state or local governmental entity's cooperation or compliance with detainers from the United States Department of Homeland Security, or other successor agency, to maintain custody of any alien or to transfer any alien to the custody of the United States Department of Homeland Security, or other successor agency.
- Pursuant to Tenn. Code Ann. § 4-42-101(3), the Attorney General and Reporter (AG) and all appropriate state law enforcement agencies are to vigorously pursue all federal moneys to which the state may be entitled for the reimbursement of moneys spent to comply with federal immigration law.

- Due to Chapter 973 of the Public Acts of 2018 taking effect January 1, 2019, the amount of moneys currently spent to comply with federal immigration law is unknown. Further, the amount of moneys currently received in federal reimbursements is unknown.
- The precise fiscal impact related to any state funds required to reimburse local governmental entities is dependent upon multiple unknown factors and cannot be reasonably determined. However, to the extent there are increases in state expenditures, there will be corresponding equal increases in local government revenue.
- It is assumed that the AG will compile the required report utilizing existing resources without a significant increase in state expenditures.

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink that reads "Krista Lee Carsner". The signature is written in a cursive, flowing style.

Krista Lee Carsner, Executive Director

/vlh